UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Offic

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/157,018	09/18/98	KILGORE	B MS-80

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EXAMINER

LILLS

ART UNIT	PAPER NUMBER
2173	9

DATE MAILED:
03/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

PTO-90C (Rev. 2/95)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.

09/157,018</td><td>Applicant(s)

KILGORE, BENJAMIN</td></tr>
<tr><td>Examiner

Sy D Luu</td><td>Art Unit

2173</td></tr>
</table>

-- Th MAILING DATE of this communication appears on the cov r sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will
  be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this
  communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1)☒ Responsive to communication(s) filed on *18 December 2000* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

   a)☐ All b)☐ Some * c)☐ None of the CERTIFIED copies of the priority documents have been:

   1.☐ received.

   2.☐ received in Application No. (Series Code / Serial Number) _____ .

   3.☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15)☐ Notice of References Cited (PTO-892)   18)☐ Interview Summary (PTO-413) Paper No(s). _____ .

16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   19)☐ Notice of Informal Patent Application (PTO-152)

17)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   20)☐ Other: .

DETAILED ACTION

1. This communication is responsive to amendment B, filed 12/18/2000.

2. Claims 1-17 are pending in this application. Claims 1, 2 and 13 are independent claims. In the amendment, filed on 12/18/2000, claims 1 and 2 were amended. This action is made Final.

Claim Rejections - 35 USC ∍ 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37

CFR 3.73(b).

5.   Claims 1-8, and 11-16 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-5, 14, 9, 11, 13-17, and

19 respectively of copending Application No. 09/156766. Although the conflicting claims are

not identical, they are not patentably distinct from each other because the claims of both

invention involve the same subject of dynamically adjusting data values and preventing conflicts

in reponse to remote user input.

      This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Claim Rejections - 35 USC ∋ 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a

prior Office action.

7.   Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggioncalda et

al. ("Maggioncalda", US # 6,012,044).

      As per claims 1 and 10, Maggioncalda teaches a method for dynamically displaying data

values, comprising: transmitting results and sub-items associated with the results in a predefined

format from a server to a remote client through a communications interface in response to a

request from the client to the server (fig. 1; col. 6, lines 31-37); processing the results in real time

using the client computer in response to user adjustment of the results and the sub-item

configuration on the client computer (col. 8, lines 2-8); <u>displaying</u> a first set of results, and <u>dynamically displaying</u> the processed results on a client display device (col. 8, lines 31-36).

Maggioncalda does not explicitly disclose the method to comprise: the transmitting of rules of enforcement of sub-item combinations; preventing sub-item conflicts using the transmitted rules of enforcement; and the rules of enforcement for sub-item combination to be processed in the background. However, it would have been obvious for these steps to be necessarily included in a method such as Maggioncalda in order to allow the system to process and display sub-items in combination logically and properly, especially when they are mutually exclusive of each other.

Claim 2 is similar in scope to claim 1, and is therefore rejected under similar rationale.

As per claims 3-4, Maggioncalda further discloses the adjustable interface tools to comprise input boxes for adjusting criteria of associated criteria in real time as well as the interface tools being controls in a dialog box (fig. 4, element 410; col. 8, lines 38-56).

As per claims 5, and 8-9, Maggioncalda does not explicitly disclose the interface tools to include: dynamically coupled check boxes so that designated check boxes dynamically change as a user configures conflicting interface tools constrained by the logical rules of enforcement; at least one previously selected sub-items are automatically deselected when a user selects a new sub-item which conflicts with the at least one previously selected sub-items; and at least one additional sub-items are automatically selected when a user selects a sub-item which requires selection of the at least one additional sub-items. However, these features would have been obvious to an artisan at the time of the invention to include in such an interface tools as that of

Maggioncalda in order to help and visibly facilitate user interaction with a constrained set of decision variables.

As per claim 6, Maggioncalda discloses the GUI to have at least one graphical control for allowing the user to dynamically adjust the results and associated sub-items (fig. 4, element 410).

As per claim 7, Maggioncalda teaches the data values to comprise pricing data for at least one object, and the associated sub-items comprise user selectable options for the objects (fig. 4, element 410; col. 8, lines 38-65).

As per claim 11, Maggioncalda further discloses and suggests the remote processing of the results and associated sub-items to continue in response to user interaction with the results and associated sub-items on the client display device after the communications interface between the server and the client has been terminated (col. 8, lines 2-8).

As per claim 12, Maggioncalda discloses the GUI to have at least one graphical control for allowing the user to dynamically adjust the displayed data and sub-items (fig. 4, element 410).

Claim 13 is similar in scope to claim 1, and is therefore rejected under similar rationale.

As per claim 14, the limitation of this claim has already been addressed in the rejection of claim 1, and therefore would have been rejected under similar rationale.

Claim 15 is similar in scope to claim 11, and is therefore rejected under similar rationale.

Claims 16-17 are similar in scope to claims 8-9 respectively, and are therefore rejected under similar rationale.

Response to Arguments

8.   Applicant's arguments with respect to claims 1, 2 and 13 have been fully considered but they are not persuasive.

Applicant argues that the method of Maggioncalda et al. does not comprise: transmitting rules of enforcement of sub-item combinations from a server to a client in response to a request from the client; and preventing of sub-item conflicts using the transmitted rules of enforcement.

The Examiner disagrees for the following reasons: as indicated in the previous Office Action, Maggioncalda's method does not <u>explicitly</u> disclose the steps as argued above. However, per figure 4 and column 8, line 30 through column 9, line 64, Maggioncalda's method clearly shows that the transmitted data, being of a Java Applet format (indicated at the bottom of the figure 4), contains within itself all the necessary rules of enforcement of sub-item combinations from a server to a client in response to an initial request from the client. Examples of these rules being applied are depicted in the layout of area 410 in figure 4. The step of preventing sub-item conflicts would also have been obvious in light of user adjustments/selections of various decisions within the area 410.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sy Luu whose telephone number is **(703) 305-0409**. The

examiner can normally be reached on Monday - Thursday from 6:30 am to 4:00 pm (EST). The

examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca, can be reached on (703) 308-3116.

The fax number for the organization where this application or proceeding is assigned is

(703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Sy D. Luu
Patent Examiner
March 9, 2001

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173